## GOVERNMENT OF KARNATAKA

*Social Welfare and Labour Secretariat*

*Labour Dispute.*—Industrial Dispute between the workmen and the management of A.C.C. Ltd., Heavy Engineering, Shahabad, Gulbarga District.

Award of the Presiding Officer, Additional Industrial Tribunal, Bangalore-20 published.

Read the following papers:—

(1) Letter No. AIT/760/74-75, dated 7th/10th March 1975 from Sri G. S. Bhagwat, Presiding Officer, Additional Industrial Tribunal, Bangalore-20.

### BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL, BANGALORE.

Dated: this 7th day of March, 1975

*Present*

Shri G. S. Bhagwat, B.A., LL.B., .. *Presiding Officer.*

*A.I.D. No.* 15/1973

*I Party :*

Workmen of A.C.C. Ltd., Heavy Engineering, Shahabad Gulbarga District, represented by the General Secretary, A.C.C. Shahabad Heavy Engineering Employees' Union, Shahabad, Gulbarga.

*Vs.*

*II Party*

(1) The Management of A.C.C. Ltd., Heavy Engineering, Shahabad, Gulbarga District.

(2) Three Contractors :

(i) Sri Shakeel Ahmed, Labour Contractor, A.C.C. Ltd., Heavy Engineering, Shahabad.

(ii) Sri Gulam Mohammed, do

(iii) Sri V. B. Joshi, do

*Appearances :*

*For the I party :*

Sri M. Pandu Ranga Rao, General Secretary, A.C.C. Ltd., Heavy Engineering, Shahabad, Gulbarga.

*For the II party :*

(i) Sri G. S. Ullal, Advocate, Bangalore.

(ii) The Three Contractors.

AWARD

The Government of Mysore, now Karnataka being of opinion that an Industrial Dispute existed between the Workmen and the Management of A.C.C. Ltd., Heavy Engineering Shahabad, Gulbarga District, referred the dispute under Section 10(1) (d) of the Industrial Disputes Act by their Order No. FCL 126 LLD 73, dated 27th April, 1973, for adjudication to this Tribunal on the following points :

"I. Are the workmen of A.C.C. Ltd., Shahabad Heavy Engineering Shahabad, justified in demanding that the wages of the contract labourers should be raised on par with the casual labourers who are engaged in cement works ?

II. If not to what relief are the contract labourers entitled ?"

2. The workmen are represented by the General Secretary, A.C.C. Shahabad Heavy Engineering Employees' Union which shall be hereafter referred to as the I-party, and the Management of A.C.C. Ltd., Heavy Engineering Works, Shahabad, Gulbarga District, is hereafter referred to as the II-party. Parties (i), (ii), (iii), in party are the Contractors, who were impleaded as parties to the proceedings as per the Order passed by this Tribunal on 26th February 1973. Notices were issued to the parties and they were served. The I-party submitted its claim statement on 12th June 1973. The case of the I-party is that the management who engages contract labour has denied payment of proper wage to the poor labour, adopting unfair-labour-practice. The Labour engaged ostensibly through the contractors have invariably to work overtime and are not paid over-time wages. If they demand the just right, they are thrown out of the employment after several years of service. Though the ostensible employers are supposed to be the Contractors, the real employers are the II-party. The II-party controls and supervises their work and it is the II-party which ulti-

mately pays their wages. The contractors are mere dummies and one of the contractors is an erstwhile workman of the company. The contract labour are engaged either in production or work incidental to manufacturing process in the premises of the factory. It is therefore, their case that the contract labour engaged by the II party should be paid wages so as to be on par with 'E' Grade workers or casual workmen engaged by the Cement works.

3. The II party filed its preliminary objections on 18th June 1973 and contended that between the workmen and the contractors and the management of the Company, there is no relationship of employee and employer, that no valid industrial dispute exists between the management of the Company and the workmen of the contractors and hence the reference of the Government is invalid and bad in law.

4. The impleaded contractors have also filed their objections and questioned the validity of the reference.

5. On the above pleadings the following additional issues were set down on 25th February 1974:

(1) Whether this Tribunal has no jurisdiction to adjudicate upon matters connected with Contract labour?

(2) Whether there is no relationship of employee and employer, between the workmen of the Contractors and the management of the company?

(3) Whether there is no valid Industrial Dispute between the management of the company and the workmen of the contractors?

6. When the case came up for hearing on 16th May 1974, W.W.-1 was examined and Exts' W-1, W-2 and W-3 were marked on behalf of the I-party. The II-party and the impleadel contractors all remained absent. The case was then adjourned for further evidence of the I-party and at the request of Shri M. Pandu Ranga Rao, the case was ordered to be posted at Gulbarga Camp for further evidence. On the date fixed for hearing at Gulbarga *i.e.* on 27th February 1975, Sri Shivasharanappa, General Secretary of the I-party Union submitted an application that the I-party's dispute with regard to the workmen

employed by the Contractors of the II-party has been settled out of Court and therefore, there is no surveying dispute for adjudication as in this reference and hence prayed that a No-Dispute Award may be passed. Shri D. M. Mohan Murthy for the II-party has also stated in writing that the management has no objection for passing the No-Dispute Award, as I-party's dispute with regard to the workmen employed by the Contractors of the II-party has been settled out of court.

7. This application was allowed and recorded after being satisfied that it was voluntary and *bonafide*. In view of the settlements of the claim made on behalf of the I-party Union, the dispute referred for adjudication does not survive for adjudication by this Tribunal.

In the circumstances, the reference is disposed of as claim is settled out of Court. Parties to bear their own costs.

Sd./- (G. S. Bhagwat),
Presiding Officer,
Additional Industrial Tribunal, Bangalore.

*ORDER No. SWL 67 LLA 75,*
*Bangalore, dated the 22nd March 1975.*

S. O 1057.—

WHEREAS, by State Government Order No. FCL 126 LLD 72, dated 7th April 1973 the industrial dispute between the workmen and the management of A.C.C. Ltd., Heavy Engineering, Shahabad, district Gulbarga, was referred to the Additional Industrial Tribunal, Bangalore, for adjudication.

AND, WHEREAS, the Additional Industrial Tribunal, Bangalore, has submitted to the State Government its award in respect of the said industrial dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above, in the *Karnataka Gazeette.*

By Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,
*Under Secy. to Govt., S.W. and L. Dept.*